P.F. 92894

G. R. S. IX-5]

Previous references. 1894-95

192

(L. A.)

Later references.

File No. 13489

Serial Nos. 1–7

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–7

Major ~~Part~~ B for May 1895

SUBJECT.

Appeal of Sattayya, Madigapuri, Nellore Taluk, regarding his Inamdhasi Claim

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WD 2232—GPB—20,000—12-6-20

Communicated to Board

Select D 2nd Council

1/ (4)

Precis

A. S. No 8. of 1894-95

Appellant: Subbia of Mudiyanur Nulbagal Taluk

On the 6th February 1893 one Kharappa presented a petition to the Deputy Commissioner of Kolar that his father Narasappa was the registered Shanbhog of Mudiyanur, that when the said Narasappa was old and no longer able to do the Shanbhogi duties he appointed one Dimbhala Subba bhatta as his gumasta, that when the said Subba bhatta was appointed gumasta he (Kharappa) was only a minor and that as he has since attained majority the office might be registered in his name and the

Shanbhogi work taken from him instead of from Subbabhatta.

The Deputy Commr forwarded the petition to the Amildar for report. 7.2.93

On 27th Feb. 1893 D. Subbabhatta deposed before the Amildar that he was appointed Shanbhogi 21 years ago, that since then he alone had been doing the Shanbhogi duties, that the office had never been registered in the name of Khadrappa's father Narasappa, and that when Khadrappa's mother had sometime after the death of her husband applied to the authorities for the Shanbhogi office being registered in the name of her minor son (Khadrappa) it was ordered× that the office should not be registered in his name.

On the 16th April 1893 Khadrappa deposed before the Amildar that his father Narasappa died 7-8 years

× vide copy of the order in the file:
It was stated in that order that Subbaia Cho had long been doing the duties properly, and not summarily be removed.

ago, that at the request of Narasappa Subba Bhatta was appointed as Gumasta, that Subba Bhatta was enjoying the Inam lands attached to the office in accordance with a Karar executed to him by the said Narasappa, and that in 6th July 1892 Subba Bhatta executed a receipt and made over the Shanbhogi Inam lands which he had till then been enjoying to him (Khadrappa).

On the 28th June 1893 the Amildar submitted a report to the Deputy Commissioner that from the shara in the Benabaluti Rejisti of 1864 it appeared that Narasappa was the registered Shanbhog at that time and that Sankhala Subbia was appointed Gumasta in 1872 at the request of Narasappa that the records showed that the Shanbhogi of Mudigaon

* vide copy in the file Narasia is entered as the Shanbhog.

was acquired by Khadrappa
for the Narasappa as
a gift and that in his
opinion the case was
not one which could be
decided summarily.
With the above report
the Amildar submitted
to the Deputy Comm^r
Copy of a receipt dated
6th July 1892 said to have
been executed by Subbia
(Sankala) to Khadrappa
acknowledging the receipt
~~from the date~~ of Rs 41-8-0
from the latter and
making over to him
all his rights (in respect
of the Shanbhogi).

On 7th August 1893
the Deputy Comm^r
ordered the Amildar to
cause the production
of the original receipt
and examine Subbia
regarding the genuineness
of it.

On 30-9-93 the
Amildar reported that
Subbia ⊗ had admitted
~~the genuineness of the~~
~~receipt~~ that the above
receipt was executed
by him

× 21- is stated in the
receipt that Narasappa
had received Rs 41-8-0
from Subbia and had
executed a Karar in ~~favour~~
~~of Subbia~~ the year 1872
allowing the said Subbia
to do the Shanbhogi duties
as his Gumasta and enjoy
the Inam lands attached to
the office.

⊗ In his deposition on
28-9-93 before the Amildar,
Subbia stated that the Shan-
-bhogi office did not belong to
Khadrappa, that one Ramappa
was the original holder, that
Narasappa was only a Gumasta
of Ramakkamma daughter of the
said Ramappa, that Narasappa
had misappropriated Rs 41-8-0
that this amount was received

from him (Subbia) and he was afterwards ordered to do the Shanbhogi duties, and that he would not therefore give up his rights in favor of Khadrappa.

On 26-11-93 the Deputy Commissioner ordered that as Subbia had plainly stated in his receipt that he had relinquished in favor of Khadrappa his right to perform the Shanbhogi duties of Nandigaon as Gumasta, and acknowledged the receipt of Rs 41-8-0, his statement contradicting the above could not be accepted, that the appointment of Subbia as Gumasta of Narsappa the registered Shanbhog at the request of the latter could not prevent Khadrappa from performing the Shanbhogi duties after the death of his father the said Narsappa, that Subbia's claims were therefore rejected, that the office should be registered in

the name of Kharappa and the Shanbhogi work taken from him and that if he was found incompetent to conduct a report ~~to the Collector~~ should be submitted in the matter.

On the 29th January 1894 Subba (Darkhast subba Bhatta) presented a petition to the Deputy Commr that the original Incumbent to the office was one Ramappa, that the said Ramappa died 30 years ago, leaving only a daughter named Kama -Kamma behind him, that Kanakamma died without issue, that Narasappa was Kanakamma's private servant, that Kharappa could have no right to the office, that even if Kharappa be the nearest heir to the deceased Ramappa, still his claims were barred by limitation, and that the office

should therefore be registered in his (Subbiá) name only.

On 11-6-94 the Deputy Commissioner ordered that there were no grounds to modify the order already passed on the 26th November 1893.

The present appeal to Court is against the above order and the grounds urged are as follows:—

(1) Ramaffa, the original Caddhar, died leaving a daughter by name Kanakamma, who died childless — & Nanaffa as the son of Kilandaffa was only appointed to succeed but was removed in 1872 & he was reinstated Rs 41-8, when he was appointed Guardian for the adopted Guardian of the adopted Nanaffa alleging the aforesaid Ramaffa died leaving

(2) the original Caddhar having left no heirs and Kanakamma having

Petn Regd no 876 abstract translation thereof is on the file.

(1)

Gen. Serial No. 32.]

189 4

No. 876

Name of Petitioner. Shanbhog Subbia

Village. Mudiamur

Taluk. Mulbagal

District. Kolar

Date of Arzi. 20. 9. 94

Date of Receipt. 21-9-94

Date of Disposal.

No. of Enclosures.

2 Ks

ABSTRACT.

Appeals against the order of the Deputy Commissioner Kolar D... No 16 dated 11th June 1894, refusing the Shanbhogi of the above villag... Petitioner states that above orde... reached him on 15th July 1894

Petitioner addressed a petition ... the Deputy-Commr: Kolar district o... on 31st January, stating as follow...

Ramappa was the Shanbhog ...

Stamp sufficient.
Out of time by 12 days, if the appeal time is calculated from the date of the endorsement viz 11 June 1894.
Petitioner explains that the endorsement was delivered to him on 15th July 894 -
Rejd to orders

L. R. 134-94-1

Submitted to Council.
The Dy Commr reports the endorsement was received on or before 15th July. If it was delivered on 15th July and if limitation is computed from that date, appeal is in time
15/12

Collr's Off 16/12/94

Drafted SKR 18/12

Mudinur he died 30 years ago.
Narasappa acted as private Gumasta
He misappropriated Govt. money. Petitioner
paid the amount. Narasappa deposed
that the Shanbhogi office might be
looked after by Petitioner. As Petitioner
performed the functions of the office for
the last 20 years as hereditary the order
that the registry should stand in the name
of Khadrappa son of Narasappa and
that the work should be taken from Petitioner
might therefore be set aside.

The Deputy Commissioner upon perusal
of the records and upon hearing the Petitioner
passed the following order.

The registry of the Shanbhogi of
Mudinur stands in the name of the
deceased Narasappa. As desired by Petitioner
Darbhalla Subbia was appointed as
Gumasta in 1872. Vide order no 83 dated
21st July 1872. Also when Narasappa's
wife wanted to nominate another
Gumasta instead of Subbia in 1874,
order no 360 was passed, that her
request could not be complied with
as it appeared that the Gumasta had
been discharging his duties satisfactorily
from the time of her husband and
that he could not be removed from
service without assigning proper reasons.

2 19
3 31
4 31
5 21
102

8

No claim of the officer
under Sec. 1 of the
Act of the 3d Congress
Order of the 3d Circuit
is illegal -

3) The general order
of the Circuit is illegal
& the Circuit Court
No 360 dated 10 Dec. 94 (Vide Margin p 1 & 2)

Mere is nothing
in the records & Steel
that Plaintiff or
Original Petitioner or
that Plaintiff in
Error & Counsel in
the Court, the Circuit
Court, on 1864 when that
Petition of Error was
Argued & in the Supreme Court

Mr Butler's counsel
admitted the afternoon
session of the 8th
January & we entered
upon the hearing
on the morning of the
9th

7/5/95

4

When Edwards came to
Canada, he was desired
by Mr Gibbs to write
his name, and he wrote that he
might be allowed to do it. Mr Gibbs
told him that he produced a
receipt-stamp that he received
of Mr Ellis for 41-8- due to him
by an order of 26 dated 25th January 1802
desiring that his name should
be registered in Shrewsbury, and that
he must show the letter from Mr
Ellis to Mr Gibbs, which he
accordingly produced & Edwards
then answered that he had
received £41-8- due to him, and
that he came to Canada to
obtain that sum, & as he
had got that sum not registered
in your name & paid it, he
order issued to recover double
the sum paid by Mr Gibbs.

The Defendant then pleads as
follows: ——

1. The order of the deputy Commissioner in which Petitioner was holding from the year 1872 could be known only to the Respondent & against him.

2. That Ramappa, the Patel of Kanchi Kanchi of the village died intestate and that the Petitioner was informed by Kanchi Kanchi aforesaid, immediately after the Respondent was informed of same. As the above mentioned Subordinate died in Govt. service in 1872, & he was removed from service, and as Petitioner was the Patel of the village the immediately succeeded him & held from him and the deputy-Commissioner in January 1873 vide order No. 83 dated 15th Jan 1872. The Petitioner has been duly the entire year. Petitioner.

3. The Patel Ramappa and his daughter Annakamma have left no heir but they and as Respondent has no heir for the year, since his father was only Patel of the deceased, he was the charge of the year should be delivered over to the Respondent & not to Petitioner.

13

4 Mai ~~Lecture~~ de Andersonville [illegible]
qui déjà [illegible] ~~[illegible]~~ [illegible]
de Cleopatre [illegible] [illegible]
Effet. Mais [illegible] [illegible]
de Effet [illegible] [illegible]
Rame [illegible] [illegible]
[illegible] [illegible] [illegible]
Nos [illegible] [illegible]

5 Mai de Cleopatre ~~[illegible]~~ [illegible]
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Décision [illegible] [illegible]
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[illegible] [illegible]
a Hatfield.

(General Serial No. 30.)

1894.

3499

Ref: 351

From

The Deputy Commissioner,
Kolar District.

(3)

To

The Chief Secretary to the Dewan
of Mysore.

Dated 10 } Camp Mittemari
Despatched 12 } December 1894.
Received

L.R. 134-94-3

Enclosures No. 5.

General No. 2130 } 1894-95.
No. 4973

His Docket No: 6732 dated the
Ref: 561
25th October 1894 forwarding a petition from Subbaiya of Mudiamur, Mulbagal Taluk and requesting to report whether the Petitioner's allegation that this office endorsement No: 16 dated 11th June 1894 was delivered to him on the 15th July last is true.

In returning the enclosures received with the above, has the honor to submit herewith the Mulbagal Amildar's Irzi No: 345

Dated the 14th Ultimo with its accompani-
-ments from which it will be observed
that the endorsement in question was
delivered to the Petitioner on or before
the 5th July 1894 and not on the
15th Idem as alleged by him.

Deputy Commissioner
Kolar District

VK

(2)

To

The Deputy-Commissioner
Kolar District

No. 6732 / 25-10-94
Pet. 55 / 1-9-94

L.R. 134-94-2

In forwarding petition
dtd 8th & 20th September 94
with its enclosure, endorsement
No 16 of 11th June 94, granted
by the Deputy-Commr
to Petitioner Subbaiya of
Bandiamma, Mantigani Taluk,
has the honor to request
that the Deputy-Commr
will be pleased to report
whether the petitioner's allegation
that the said endorse-
ment was delivered to him
is highly true, is true

By order

Asst
(Councilor)

for Chief Secretary

Sec
28/10

(5)

Gen. 31.]

1895

9185

Pet: 416

Petition Branch 21/11/95

18

From

The Deputy Commissioner
Kolar District.

To

The Secretary to the
Dewan of Mysore.

Dated 15th January 1895

Despatched 18 —"—

Received

General No. 2446
No. 586

Enclosure No. 2 & record

L.R. 134-94-5

Prem 6/2

This Official Memorandum No. Pet. 1019 dated 16th December 1894 forwarding for submission of Proceedings a petition from Shanbhog Subbia of Mudiamoor, Mulbagal Taluq, appealing against this office order regarding his hulk to the Shanbhog of the village.

The case returned with its enclosure—

As called for in the above, has the honor to submit herewith as per accompanying Extract the entire Proceedings Connected with the Case—

for Deputy Commissioner
Kolar

Gen. Serial No. 31.]

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

Draft not allowed

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying petition No. 875
dated 21st Feb 1894 received at the
Dewan's Office from Ramanujam
Setty & Brothers Bangalore
against Revenue Officers
praying [illegible]
is forwarded, together with its
enclosures, to the Revenue Secretary
for submission of the
entire proceedings
connected with the
case

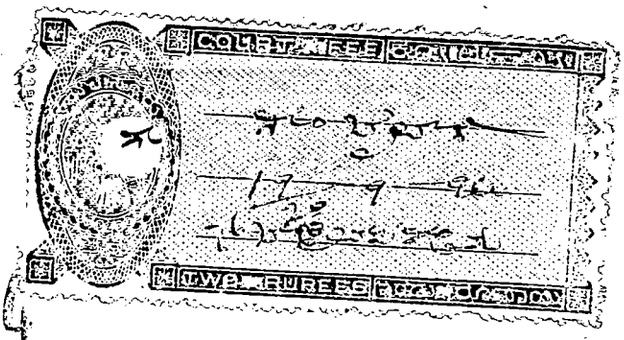
2. The petition with its
enclosures should be
returned.

By Order,

Bangalore, 7 Chief Secretary

M.G.C.P. Bangalore—3-5-94—1,0

2 Rs Stamp affixed



Enc: 1

Dated 21/7/94

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10-12-74

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Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 81 of 1893-94.

Appellant.	Vs.	Respondent.
Sankia Ayyandiyanavr Chikkajal Sahib.		R. Ramappa

L.R. 134-94-6

Decision.

Ramappa petitioner, Ramappa was the registered Shanbog of Ayyandiyanavr in the Chikkajal Sahib. At his request, the appellant was appointed to act as Shanbog in 1892, and the latter has been holding the office since then. The Commissioner Petitioner, after obtaining his majority applied to the Deputy Commissioner

in

in February 1893 for the registration of his name and for permission to enter upon the duties of the office, and the application was granted on the 28th November 1893.

2 The Petitioner says that Thomas Ryan is dead and that he (Petitioner) is a relative of the office.

3 The Proceedings show that Petitioner has hitherto admitted to be in arrears in a deposition given by him on 27th Feb. 1893 and in a receipt given by him to the Curator Petitioner, on 6th July 1892, the genuineness of which also he has admitted.

4. His appeal is rejected

Sgd. order

Draft-

Offg Chief Secretary.

M

№ 21502 / 13-5-95

22

Copy forwarded to the Deputy Commissioner Navi Mumbai together with the Panvel proposal received vide his letter dt. 2446/553

dt. 10th January, 1995

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No. 23

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189

Endorsement granted to Subbaraya

of Gurligamma, Kallagal Taluk

in reply to his Petition Registered No. 876 dated 20.9.94

appealing against the decision ~~of~~ A.S.181 ~~appointing~~ appointing one Kilarayya to Shanbhog of Gurligamma in place of Bittema

Petitioner is informed that as he has himself admitted to be a gumasta, his appeal is rejected

L.R. 134-94-7

The enclosure is returned.

11/5/95

13/5/95

'By Order'

Asst.

Chief Secretary.

M.G.C.P.E.—19-2-95—1,000

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